

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 1:23-cr-00748-KWR

SOLOMON PENA,

Defendant.

MOTION TO CONTINUE SENTENCING

Defendant Solomon Pena moves to continue the sentencing hearing in this case, currently scheduled for July 2, 2025, until after August 5, 2025. In support of this motion, Pena states:

1. Mr. Pena was found guilty by a jury, following trial, of all 13 counts of the Second Superseding Indictment.

2. After trial, Mr. Pena filed a motion for entry of a judgment of acquittal. That motion has since been denied.

3. The sentencing hearing for this case is currently scheduled to occur on July 2, 2025.

4. Counsel for Mr. Pena, however, will be on previously scheduled leave from June 29 through July 8, 2025, to travel with family to Minneapolis, Minnesota. Counsel will then be on leave to travel to Denver, Colorado during the week of July 21, 2025, and on leave to travel to Scottsdale, Arizona during the week from July

27, 2025 through August 5, 2025. This travel is prepaid and relates to camps that counsel's child has been invited to attend.¹

5. Separately, counsel is scheduled to be in trial starting on July 21, 2025 in *United States v. Alex Anthony Martinez*, Case No. 1:25-cr-00879, before Judge Browning. Should that trial proceed as scheduled, counsel will have return to Albuquerque for the trial because Mr. Martinez objects to any extension of the Speedy Trial Act deadlines in that case. That trial is expected to go into August 2025.

6. Because Pena has proceeded to trial, and because a jury returned a verdict, the Speedy Trial Act imposes no deadline for sentencing.

7. The United States, through Assistant United States Attorney Patrick Cordova, does not oppose this motion.

Conclusion

The motion should be granted, and sentencing should be continued until after August 5, 2025.

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¹ Counsel is happy to provide additional information to the Court, but this travel relates to counsel's child, so complete details are not included in this motion.

Respectfully submitted,

/s/ Nicholas T. Hart

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Counsel for Mr. Pena

Dated: June 24, 2025

CERTIFICATE OF SERVICE

I certify that, on June 24, 2025, I electronically filed this motion with the Clerk of Court for the U.S. District Court for the District of New Mexico through CM/ECF system. All parties were served by that system as reflected in the Notice of Electronic Filing.

/s/ Nicholas T. Hart
Nicholas T. Hart